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28 *Attorneys for Defendants Ripple Labs Inc.,
XRP II, LLC, and Bradley Garlinghouse*

29 In re RIPPLE LABS INC. LITIGATION,

30
31 This Document Relates to:

32 ALL ACTIONS

33 Case No. 4:18-cv-06753-PJH

34 **DECLARATION OF SUZANNE E. NERO
PURSUANT TO LOCAL RULE 7-11(A)**

35 (Civil L.R. 3-12 and 7-11)

36 Judge: Hon. Phyllis J. Hamilton

I, Suzanne E. Nero, hereby declare as follow:

1. I am a Counsel in the San Francisco office of King & Spalding LLP and counsel of record for Defendants Ripple Labs Inc., XRP II, LLC and Bradley Garlinghouse (collectively “Defendants”) in this matter and in the case captioned *Toomey v. Ripple Labs, Inc. et al.*, No. 3:21-cv-06518-SK, which was transferred to this District from the Middle District of Florida. *Toomey*, ECF 70. I make this declaration in support of the concurrently filed Joint Administrative Motion to Consider Whether Cases Should be Related and Consolidated for Pretrial Purposes and pursuant to Local Rule 7-11(a). The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. Defendants participated in discussions with all parties involved to try to submit a stipulation regarding the relation of these cases. Lead Plaintiff Bradley Sostack agrees that the *Toomey* matter should be related and consolidated with this case pursuant to the Court's consolidation order (ECF No. 35). In discussions with counsel for Plaintiffs *Toomey* and *Sergalis* they indicated their belief that in general the cases are related, but do not agree that the cases should be consolidated and intend to object consolidation and/or seek relief from this Court's Order on consolidation. Despite several attempts to compromise on language for a stipulation, the parties were unable to come to an agreement before the filing of this administrative motion.

3. On September 3, 2021, Defendants informed Plaintiffs Toomey and Sergalis that due to their obligations under the Local Rules and this Court's Order to promptly notify the court of the related case, Plaintiff Sostack and Defendants planned to file the Administrative Motion without the Stipulation.

4. Defendants have informed Plaintiffs Toomey and Sergalis of the procedure set out in this Court's Order if they choose to object to consolidation with this matter. *See* Order, Dkt. 35 at ¶ 6.

I declare under penalty of perjury that the foregoing is true and correct. Executed
September 3, 2021, at Oakland, California.

/s/ Suzanne E. Nero
Suzanne E. Nero